



Gline
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May 15, 1980

INTERAGENCY

The Honorable Jeffrey J. Hill
Arizona State Senator
Room 309
Senate Wing, State Capitol
Phoenix, AZ 85007

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ARIZONA ATTORNEY GENERAL

Re: 180-085 (R80-075)

Dear Senator Hill:

This letter is in response to your letter to this office of April 1, 1980, asking us three questions concerning Section 6 of House Bill 2036 (Ch. 10, Laws 1980, Second Spec. Sess.) which appropriates \$900,000 to the Secretary of State and which directs that the appropriation be used, among other purposes, to reimburse the State's counties for the cost of printing ballots for the June 3, 1980 special election to consider amendments to the State's Constitution and for compensation paid by the counties to election board and tally board officers serving as such during the special election.

Your first question is whether the counties are authorized to spend funds for the above-mentioned purposes. We think that A.R.S. § 11-251, paragraphs 3, 11 and 18,¹ together with

1. These paragraphs of A.R.S. § 11-251 state:

The board of supervisors, under such limitations and restrictions as are prescribed by law, may:

* * *

3. Establish, abolish and change election precincts, appoint inspectors and judges of elections, canvass election returns, declare the result and issue certificates thereof.

* * *

11. Examine, settle and allow all accounts legally chargeable against the county, order warrants to be drawn on the county treasurer therefor and provide for issuing the warrants.

* * *

18. Contract for county printing and advertising, and provide books and stationery for county officers.

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Sections 1²/ and 6 of House Bill 2036, authorize the county to expend funds for the above-mentioned purposes.

Your second question is whether a county has to request an emergency override from the State Board of Tax Appeals if the expenses imposed by the special election, when added to other anticipated election expenditures, exceed what the county has budgeted for elections. If, after conferring with staff of the State Board of Tax Appeals, it appears that adherence to the procedures of A.R.S. § 42-308 would prevent compliance with the directive of Section 1 of House Bill 2036 that the special election be held on June 3, 1980, then Section 5 appears to permit the county to exceed its budget figure for election purposes without complying with A.R.S. § 42-308. Section 5 states:

The secretary of state and all county officers conducting elections need not comply with any competitive bidding requirement or any other requirement of law or ordinance to the extent that such requirement will interfere with the timely printing and distribution of publicity pamphlets or the timely conduct of the special election required by this act.

Before a county decides that it need not comply with A.R.S. § 42-308, it should ascertain that compliance with that section will likely interfere with a timely distribution of the publicity pamphlet or the timely holding of the election.

Your last question is whether a county may obligate itself to spend funds for the purposes previously mentioned if it does not have the funds on hand in the treasury. The answer is "yes", to the extent of the county's share of the State's \$900,000 appropriation, since that share rightfully belongs to the county.

Sincerely,



BOB CORBIN
Attorney General

BC:SJS:lfc

2. Section 1 states:

Under the authority of and in accordance with the provisions of Article XII, Section 1, Constitution of Arizona, a special election is called to be held June 3, 1980 and to be conducted by the officers conducting regular elections.